

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Sue FENG et al.)	Group Art Unit: 1619
)	
Application No.: 10/699,780)	Examiner: VENKAT, J.
)	
Date Filed: November 4, 2003)	Confirmation No.: 5902
)	
For: METHODS OF PROVIDING)	
INTENSE COLOR TO COSMETIC)	
COMPOSITIONS USING AT)	
LEAST ONE HETEROPOLYMER)	
(AS AMENDED))	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Office the documents on the attached listing. This Supplemental Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached, excluding any U.S. Patents and U.S. Patent Application Publications, and co-pending patent applications because they

are available electronically through the Image File Wrapper System. See M.P.E.P.

§ 609.04

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the Office Actions in related co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions filed in co-pending applications on the attached form. As previously requested by the Examiner of this application, Applicants have not included copies of the office actions from the co-pending applications issued by this Examiner.

Applicants' representatives understand from the Examiner of this application that in other related co-pending applications, the Examiner considered references cited in the IDS Forms PTO/SB/08 filed but crossed through some of the citations and did not initial the entries to avoid the printing of the those documents on the face of any patent granted there from. In light of the Examiner's representations regarding the crossing-out of references in related co-pending applications, Applicants will consider any entries crossed through by the Examiner in this case as having been properly submitted and considered by the Examiner unless the Examiner specifically states otherwise in the papers returning the form.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **FR 2 659 011 A1** - An English language abstract is submitted herewith.
2. **FR 2 791 558** - This document is believed to be related to U.S. Patent Application No. 6,419,912, listed on the attached PTO/SB/08 form.
3. **JP 10-67618** - An English language abstract is submitted herewith.
4. **JP 10-120903** - An English language abstract is submitted herewith.
5. **JP 10-175816** - This document is believed to be related to U.S. Patent No. 5,928,660, listed on the attached PTO/SB/08 form.
6. **JP 2000-063674** - An English language abstract is submitted herewith.
7. **JP 2001-081320** - This document is believed to be related to U.S. Patent No. 6,402,408, listed on the attached PTO/SB/08 form.
8. **JP 2001-206821** - This document is believed to be related to U.S. Patent Publication No. 2001/0031280, listed on the attached PTO/SB/08 form.
9. **JP 2001-502742** - This document is believed to be related to WO 98/17705, listed on the attached PTO/SB/08 form.

10. **JP 2003-055155** - An English language abstract is submitted herewith.
11. **JP 2004-517906** - This document is believed to be related to WO 02/058642, listed on the attached PTO/SB/08 form.
12. **WO 98/31329** - An English language abstract is provided on the face of this document.

This submission does not represent that a search has been made or that no better art exists, and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 18, 2009

By: Jennifer R. Gupta
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